
UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

CIVIL MINUTES – GENERAL

Case No.: 5:25-cv-03479-FWS-MAA

Date: December 23, 2025

Title: Sonia Afang Mese Engonga *et al.* v. Kristi Noem *et al.*

Present: **HONORABLE FRED W. SLAUGHTER, UNITED STATES DISTRICT JUDGE**

Rolls Royce Paschal
Deputy Clerk

N/A
Court Reporter

Attorneys Present for Petitioner:

Attorneys Present for Respondents:

Not Present

Not Present

**PROCEEDINGS: (IN CHAMBERS) ORDER GRANTING IN SUBSTANTIAL PART
PETITIONERS' *EX PARTE* APPLICATION FOR TEMPORARY
RESTRAINING ORDER [4]**

Petitioner Sonia Afang Mese Engonga brings this Petition for Writ of Habeas Corpus Pursuant to 28 U.S.C. § 2241 against Respondents Kristi Noem, Secretary of the Department of Homeland Security (“DHS”); Pamela Bondi, Attorney General of the United States; Todd Lyons, Acting Director of Immigration and Customs Enforcement (“ICE”); Jaime Rios, Director of the Los Angeles ICE Field Office; Fereti Semaia, Warden of Adelanto ICE Processing Center; Executive Office for Immigration Review; ICE; and DHS. (Dkt. 1 (“Petition” or “Pet.”).) Before the court is Petitioner’s *Ex Parte* Application for Temporary Restraining Order and Order to Show Cause. (Dkt. 4 (“Application” or “App.”).) Respondents filed a Response to the Application. (Dkt. 7 (“Resp.”).) The court finds this matter appropriate for resolution without oral argument. *See Fed. R. Civ. P. 78(b)* (“By rule or order, the court may provide for submitting and determining motions on briefs, without oral hearings.”); C.D. Cal. L.R. 7-15 (authorizing courts to “dispense with oral argument on any motion except where an oral hearing is required by statute”). Based on the record, as applied to the relevant law, the Application is **GRANTED IN SUBSTANTIAL PART**.

I. Background

Petitioner alleges the following. “Petitioner is a citizen of Equatorial Guinea who was paroled into the United States in approximately or about July of 2022, detained, and subsequently released from DHS custody on her own recognizance (‘OREC’) on or about

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October 3, 2022.” (Pet. ¶ 3.) “While out of custody, Petitioner married and had a U.S. citizen son, who is only two years old and has now been separated from his mother for four and a half months.” (*Id.* ¶ 6.) “Petitioner attended the only scheduled immigration court hearing that required her presence on the non-detained docket in Santa Ana, California, on January 28, 2025. She also filed an asylum application with the court. Petitioner complied with other requirements of her OREC, including attending regular ICE check-ins.” (*Id.* ¶ 5.)

“While Petitioner was arrested on or about August 8, 2025 in Riverside, California, no charges were filed by prosecutors as a result of the arrest.” (*Id.*) “Petitioner was arrested by Immigration and Customs Enforcement (‘ICE’) in Riverside, California, on August 14, 2025, after she was released from local police custody. She remains in the physical custody of Respondents at the Adelanto ICE Processing Center in Adelanto, California.” (*Id.* ¶ 7.) “On information and belief, prior to her detention, Petitioner was given no notice of ICE’s intention to re-detain her, and she was not provided with any information about why her OREC was revoked.” (*Id.* ¶ 8.)

“A recent DHS policy . . . considers anyone arrested within the United States and charged with being inadmissible under 8 U.S.C. § 1182(a)(6)(A)(i) to be an ‘applicant for admission’ under 8 U.S.C. § 1225(b)(2)(A).” *Mosqueda v. Noem*, 2025 WL 2591530, at *1 (C.D. Cal. Sept. 8, 2025). “Pursuant to section 1225(b)(2)(A) ‘applicants for admission’ who are ‘seeking admission’ are subject to mandatory detention.” *Id.* “Prior to the new policy, foreign nationals, like petitioner[], who were charged with being inadmissible under 8 U.S.C. § 1182(a)(6)(A)(i) for being present in the United States without being admitted or paroled were considered detained pursuant to 8 U.S.C. § 1226(a), which allows for release on bond or conditional parole.” *Id.*

According to Petitioner, DHS and EOIR “have improperly concluded that Petitioner is subject to mandatory detention, despite DHS determining over three years prior that she was not a flight risk, nor did she present a safety risk when she was released from their custody.” (*Id.* ¶ 10.) Because DHS continues to treat Petitioner as seeking admission at the border, even though they paroled her into the United States when she sought admission, they have detained her pursuant to 8 U.S.C. § 1225(b)(2)(A) and therefore determined she is ineligible to be released on bond during the pendency of her remaining removal hearing process.” (*Id.* ¶ 11.)

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Petitioner alleges that her ongoing detention violates her Fifth Amendment right to substantive and procedural due process, and her Fourth Amendment right to be free from unreasonable seizures by government officials. (Pet. ¶¶ 49-67.) “Petitioner seeks a writ of habeas corpus requiring that she be immediately released from custody and to enjoin Respondents from re-detaining her: (1) absent further order of this Court; or (2) absent the provision of a pre-deprivation hearing before a neutral arbiter, at which Respondents will bear the burden of proving by clear and convincing evidence that she is a flight risk or a danger to the community.” (*Id.* ¶ 14.)

II. Legal Standard

The “opportunities for legitimate *ex parte* applications are extremely limited,” *Horne v. Wells Fargo Bank, N.A.*, 969 F. Supp. 2d 1203, 1205 (C.D. Cal. 2013), and such applications are “rarely justified.” *Mission Power Eng’g Co. v. Continental Casualty Co.*, 883 F. Supp. 488, 490 (C.D. Cal. 1995). To justify *ex parte* relief, the moving party must establish: (1) that their cause of action will be irreparably prejudiced if the underlying motion is heard according to regular noticed procedures; and (2) that they are without fault in creating the crisis that requires *ex parte* relief, or that the crisis occurred as a result of excusable neglect. *Id.* at 492-93.

A temporary restraining order (“TRO”) may be issued upon a showing “that immediate and irreparable injury, loss, or damage will result to the movant before the adverse party can be heard in opposition,” and “the movant’s attorney certifies in writing any efforts made to give notice and the reasons why it should not be required.” Fed. R. Civ. P. 65(b)(1). The analysis for granting a TRO is “substantially identical” to that for a preliminary injunction. *Stuhlberg Int’l Sales Co., Inc. v. John D. Brush & Co., Inc.*, 240 F.3d 832, 839 n. 7 (9th Cir. 2001). Either “is an extraordinary remedy that may be awarded only if the plaintiff clearly shows entitlement to such relief.” See *Am. Beverage Ass’n v. City & Cnty. of San Francisco*, 916 F.3d 749, 754 (9th Cir. 2019) (en banc) (citing *Winter v. Nat. Res. Def. Council, Inc.*, 555 U.S. 7, 22 (2008)).

A plaintiff seeking a TRO must demonstrate (1) they are “likely to succeed on the merits”; (2) they are “likely to suffer irreparable harm in the absence of preliminary relief”;

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(3) that “the balance of equities tips in [their] favor”; and (4) that “an injunction is in the public interest.” *Id.* (quoting *Winter*, 555 U.S. at 20). Courts in the Ninth Circuit “also employ an alternative serious questions standard, also known as the sliding scale variant of the *Winter* standard.” *Fraihat v. U.S. Immigr. & Customs Enf’t*, 16 F.4th 613, 635 (9th Cir. 2021) (citation modified). Under that approach, “‘serious questions going to the merits’ and a hardship balance that tips sharply toward the plaintiff can support issuance of an injunction, assuming the other two elements of the *Winter* test are also met.” *All. for the Wild Rockies v. Cottrell*, 632 F.3d 1127, 1132 (9th Cir. 2011).

A party seeking preliminary injunctive relief must make a “certain threshold showing” on “each [*Winter*] factor.” *Leiva-Perez v. Holder*, 640 F.3d 962, 966 (9th Cir. 2011). “The most important among these factors is the likelihood of success on the merits.” *Junior Sports Mags. Inc. v. Bonta*, 80 F.4th 1109, 1115 (9th Cir. 2023). “This is especially true for constitutional claims, as the remaining *Winter* factors typically favor enjoining laws thought to be unconstitutional.” *Id.*

III. Analysis

The court finds Petitioner has adequately demonstrated that *ex parte* relief is warranted, and has also met her burden to show that she is entitled to a TRO under the *Winter* factors. Respondents do not argue otherwise. Rather, in the Response, Respondents state:

Petitioner appears to be members of the Bond Eligible Class certified in *Maldonado Bautista v. Santacruz*, No. 5:25-CV-01873-SSS-BFM, - -- F. Supp. 3d ---, 2025 WL 3288403 (C.D. Cal. Nov. 25, 2025). On December 18, 2025, the Bautista court entered final judgment as to the Bond Eligible Class. *See Bautista*, ECF No. 94. A notice of appeal was then filed by the *Bautista* defendants on December 18, 2025, ECF No. 95.

Accordingly, Respondents acknowledge that Petitioner’s claims in this action as to their entitlement to a bond hearing appear to be subject to the *Bautista* judgment and to any applicable appellate proceedings

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relating to it. To the extent Petitioners seek an order requiring such a bond hearing here, it should be consistent with what Courts in this District have generally ordered in similar cases, which is to require such a hearing be held within seven (7) days.

(Resp. at 2.)

The court agrees with Respondents’ assessment that “Courts in this District have generally ordered in similar cases” that a bond hearing be held within 7 days. (*See id.*); *see, e.g., Mosqueda*, 2025 WL 2591530, at *7 (“Respondents are enjoined from continuing to detain petitioners unless they are provided with an individualized bond hearing before an immigration judge pursuant to 8 U.S.C. § 1226(a) within seven (7) days of this Order.”). However, the court observes that here, Petitioner seeks an order requiring “Respondents to immediately release Petitioner or, in the alternative, to immediately release Petitioner and not re-detain her unless it is after a pre-hearing deprivation hearing before a neutral arbiter, at which Respondents will bear the burden of proving by clear and convincing evidence that she is a flight risk or a danger to the community.” (Dkt. 4-2 (Proposed Order); *see also* Pet. ¶ 14 (“Petitioner seeks a writ of habeas corpus requiring that she be immediately released from custody and to enjoin Respondents from re-detaining her: (1) absent further order of this Court; or (2) absent the provision of a pre-deprivation hearing before a neutral arbiter, at which Respondents will bear the burden of proving by clear and convincing evidence that she is a flight risk or a danger to the community.”).) The court finds Petitioner has not adequately demonstrated that the particular relief she seeks is appropriate. Rather, consistent with the practice in this District in recent months, the court will order Petitioner’s release *if* she is not afforded a timely bond hearing. *See, e.g., Mosqueda*, 2025 WL 2591530, at *7.

IV. Disposition

For the foregoing reasons, the Application is **GRANTED IN SUBSTANTIAL PART**. The court **ORDERS** that Respondents are **ENJOINED** from continuing to detain Petitioner unless Petitioner is provided an individualized bond hearing before an immigration judge pursuant to 8 U.S.C. § 1226(a) on or before **December 30, 2025, at 9:00 a.m.** If Petitioner is not provided a bond hearing in accordance with this Order, Respondents are **ORDERED** to

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release Petitioner from custody on or before **December 31, 2025, at 1:00 p.m. Pacific Standard Time.**

Respondents are **ORDERED** to show cause in writing on or before **January 6, 2026**, as to why the court should not issue a preliminary injunction in this case. Petitioners may file a response on or before **January 9, 2026**. The court sets a hearing on whether a preliminary injunction should issue on **January 15, 2026, at 10:00 a.m., in Courtroom 10D.**

Finally, the court's previous order that Petitioner shall not be removed or relocated from the Central District of California pending further order of court remains in full force and effect. (Dkt. 6.)

IT IS SO ORDERED.